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06 UNITED STATES DISTRICT COURT
07 WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

08 UNITED STATES OF AMERICA,)
09 Plaintiff,) CASE NO. CR11- 035-MJP
10 v.)
11 KEVIN JOHN MORAN,) SUMMARY REPORT OF U.S.
12 Defendant.) MAGISTRATE JUDGE AS TO
ALLEGED VIOLATIONS
OF SUPERVISED RELEASE
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14 An evidentiary hearing on supervised release revocation in this case was scheduled
15 before me on October 19, 2012. The United States was represented by AUSA Andy Colasurdo
16 and the defendant by Jennifer Wellman. The proceedings were digitally recorded.

17 Defendant had been sentenced on or about July 15, 2008 by the Honorable Fred Van
18 Sickle in the Eastern District of Washington on a charge of Theft of Government Property, and
19 sentenced to 12 months and one day custody, 3 years supervised release.

20 The conditions of supervised release included the standard conditions plus the
21 requirements that defendant be prohibited from bidding on any government contracts for the
22 removal or processing of timber products, provide financial information as requested, be

SUMMARY REPORT OF U.S. MAGISTRATE JUDGE AS
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01 prohibited from having access to any bank account, ATM or credit card without advance
02 permission, make all business records available for inspection, be prohibited from incurring
03 new debt or credit obligations without permission, submit to search, participate in substance
04 abuse treatment, abstain from alcohol, not enter any establishment where alcohol is the primary
05 commodity for sale, and pay restitution in the amount of \$37,688.77. (Dkt. 3, page 5-9.) The
06 case was transferred to this District on February 7, 2011 (Dkt. 3 at 2.)

07 On March 29, 2011, defendant admitted violating the conditions of supervision by
08 failing to truthfully answer the inquiries of the probation officer, obtaining a new line of credit
09 without permission, and failing to pay monthly restitution payments. (Dkt. 8.) As a result,
10 defendant's supervised release was modified to require defendant to participate in home
11 detention with electronic monitoring for up to 180 days. (Dkt. 13.)

12 On August 24, 2011, defendant admitted violating the conditions of supervision by
13 failing to comply with the electronic monitoring program. (Dkt. 18.) No further sanctions
14 were imposed at the time. (Dkt. 21.)

15 In an application dated (Dkt. 22, 23), U.S. Probation Officer Jerrod Akins alleged the
16 following violation of the conditions of supervised release:

17 1. Committing the crime of residential burglary, in violation of the general
18 condition that he not commit another federal, state, or local crime.

19 Defendant was advised in full as to those charges and as to his constitutional rights.

20 The government offered certified copies of the Judgment and Sentence in the
21 Snohomish County Superior Court, showing that defendant was convicted in a jury trial of
22 committing the crime of Residential Burglary on July 23, 2012. Defendant does not object to

01 admission of the Judgment and Sentence as exhibits in this case. Therefore, I find it has been
02 established by a preponderance of the evidence that defendant has violated the conditions of
03 supervision as alleged in violation 1, by committing the crime of residential burglary. (Dkt.
04 28.)

05 I therefore recommend the Court find defendant violated his supervised release as
06 alleged in violation one, and that the Court conduct a hearing limited to the issue of disposition.
07 The next hearing will be set before Judge Pechman.

08 Pending a final determination by the Court, defendant has been released on the
09 conditions of supervision.

10 DATED this 19th day of October, 2012.

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13 Mary Alice Theiler
14 United States Magistrate Judge

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16 cc: District Judge: Honorable Marsha J. Pechman
17 AUSA: Carl A. Colasurdo
18 Defendant's attorney: Jennifer Wellman
19 Probation officer: Jerrod Akins
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